

D. Hause
5/8/02

PTO/SB/29 (10-00)
Approved for use through 10/31/2002. CMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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CONTINUED PROSECUTION APPLICATION (CPA)

REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))*

CHECK BOX, if applicable:
 DUPLICATE

Address to:

**Assistant Commissioner for Patents
Box CPA
Washington, DC 20231**

Attorney Docket No. of Prior Application	MST-2322.1
First Named Inventor	G.A. Farrell
Examiner Name	D. Handy
Group Art Unit	1743
Express Mail Label No.	

This is a request for a continuation or divisional application under 37 CFR 1.53(d).

(continued prosecution application (CPA)) of prior application number 09 / 549,036

filed on April 13, 2000, entitled Variable Rate Particle Counter

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
05/23/2002 MAILING ADDRESS: 800 N. MAIDEN ST., SUITE 1500, THE INVENTOR(S) NAMED IN THE PRIOR NONPROVISIONAL APPLICATION:
01. F5-172
02. F5-103
740-00-CN
36-00-CI
The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

05/23/2002 MAILING ADDRESS: 800 N. MAIDEN ST., SUITE 1500
01 FC:117

PTO/SB/29 (10-00)

Approved for use through 10/31/2002, OMB 0861-0032

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	22 -20* =	2	x \$ 18.00 =	\$ 36.00
	(INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3 -3** =	0	x \$ 84.00 =	0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270.00 =	
				BASIC FEE (37 CFR 1.16)	\$ 740.00
				Total of above Calculations =	776.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	776.00

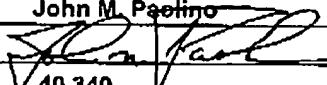
6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 13-3370:
- Fees required under 37 CFR 1.16.
 - Fees required under 37 CFR 1.17.
 - Fees required under 37 CFR 1.18.
8. A check in the amount of \$_____ is enclosed.
 9. Payment by credit card. Form PTO-2038 is attached.
 10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
 11. New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
 12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
 b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
 13. Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		<input type="checkbox"/> New correspondence address below <small>(Insert Customer No. or Attach bar code label here)</small>
Name	2881 PATENT TRADEMARK OFFICE	
Address		
City	State	Zip Code
Country	Telephone	Fax

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print or Type)	John M. Paolini
Signature	
Registration No. (Attorney/Agent)	40,340
Date	May 8, 2002

PTO/SB/17 (11-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 776)

Complete if Known

Application Number	09/549,036
Filing Date	April 13, 2000
First Named Inventor	G.A. Farrell
Examiner Name	D. Handy
Group Art Unit	1743
Attorney Docket No.	MST-2322.1

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number	13-3370
Deposit Account Name	Bayer Corporation

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee (path)	
127 50	227 25	Surcharge - late provisional filing fees cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 620	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	John M. Bedolino	Registration No. / Attorney/Agent	40,340	Telephone	(914) 524-2552
Signature				Date	May 8, 2002

Complete if applicable

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**FAX COVERSHEET**

Date:	May 8, 2002	No. of Pages:	6
To:	Examiner D. Handy	From:	John M. Paolino
Co.:	Art Unit 1743 - USPTO	Fax:	(914) 524-2552
Fax:	(703) 872-9310	Tel:	(914) 524-2094
Tel:	(703) 305-0211	e-mail:	john.paolino.b@bayer.com

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MAY 8 2002
GROUP 1700
OFFICIAL

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